

**DEPARTMENT OF HOMELAND SECURITY  
U.S.CUSTOMS AND BORDER PROTECTION**

**CBP DIRECTIVE NO. 3340-052A**

**DATE: August 24, 2016**

**ORIGINATING OFFICE: OFO:APP**

**SUPERSEDES: 3340-052, 3/4/2015**

**REVIEW DATE: August 2019**

**SUBJECT: PRIMARY PROCESSING AT AIRPORTS.**

**1. PURPOSE.**

To provide guidance and direction for the primary processing of travelers seeking entry into the United States at air ports of entry.

**2. POLICY.**

2.1 It is the policy of the U.S. Customs and Border Protection (CBP) to protect the United States of America from threats posed by terrorist organizations and to prevent terrorists as well as suspected terrorists, terrorist funding, weapons, and instruments of terror, including Weapons of Mass Effect (WME) and their precursors, from entering the United States.

2.2 It is the policy of CBP to effectively verify the identity of all persons seeking entry to the United States and to determine the admissibility of all applicants for admission. Based on an evaluation of available information, if an alien falls under any of the Immigration and Nationality Act's (INA) grounds of inadmissibility, then the alien may not be admitted.

2.3 It is the policy of CBP to prevent biological and agricultural terrorism, to protect the United States' economy (including agricultural industries) from the introduction of harmful animal and plant diseases, pests, and contaminants, whether deliberate or accidental, by enforcing agricultural laws and regulations.

2.4 It is the policy of CBP to promote and facilitate the orderly, efficient flow of lawful trade and commerce and to collect revenue while preventing prohibited goods, narcotics, profits derived from criminal activity, and other illegal merchandise from entering the United States and enforcing sanctions, deterring the export of dangerous goods, and combatting illegal trade practices.

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### 3. DEFINITIONS.

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3.4 CBP Declaration Form 6059B -Each arriving individual or one individual on behalf of other immediate family members traveling with that individual must complete the Customs declaration form or orally declare all articles that are being brought into the United States by members of a household.

3.5 Electronic System for Travel Authorization (ESTA) - A web-based application and vetting system used to determine the eligibility of certain alien visitors to travel to the United States under the Visa Waiver Program (VWP). ESTA determinations do not constitute final admissibility determinations.

3.6 FIS -Federal Inspection Service Area.

3.7 I-94 -Form denoting a traveler's arrival and departure record(s).

3.8 Electronic I-94 - Electronic version of the Form I-94 Arrival/Departure Record.

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3.10 Primary Processing - The initial physical point of contact by CBP Officers with a person, conveyance, and/or merchandise seeking admission or entry to the United States.

3.11 Secondary Processing - The location or process where travelers undergo additional inspection or questioning in order for CBP to determine the admissibility of people and goods, exemption qualifications, and declaration acceptance.

3.12 Traveler Primary Arrival Client (TPAC) -The primary client application for the biographic and biometric processing of travelers arriving in the United States. TPAC uses (b)(7)(E) to verify biographic data (b)(7)(E)

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#### 4. AUTHORITY/REFERENCES.

Immigration and Nationality Act (INA) and its implementing regulations; Customs laws and regulations of the United States; Title 7 USC; Title 9 USC; Title 50 USC; C8P Directive 3340-0308, *Secure Detention, Transport and Escort Procedures at Ports of Entry*; C8P Directive 3340-0218, *Responding to Potential Terrorists Seeking Entry Into the United States*; C8P Directive 3340-044, *Customs and Border Protection's Guidelines During United States Visitor Immigrant Status Indicator (US-VISIT) Biometric Enrollment for Air, Sea, and Land Ports of Entry*; C8P Directive 3340-025D, *Reporting Significant Incidents to the Commissioner's Situation Room*; C8P Directive 3340-041, *Standard Operating Procedures During System Outages at Air, Land, and Sea Ports of Entry*; C8P Memorandum, *Requirements Prior to Manually Adding Passengers in the Traveler Primary Arrival Client* January 5, 2011; *l-94W Automation* C8P Quick Reference Guide November 2011, Version 3.0; C8P Memorandum, *Determining the Admissibility of Travelers with an Approved Electronic System for Travel Authorization* January 7, 2012; C8P Memorandum, *Referrals from Primary to Secondary at Air Ports of Entry* September 25, 2012; C8P Memorandum, *Processing of Passengers with Religious, Cultural, or Privacy Considerations* July 12, 2012; C8P Memorandum, *Egress/Exit Control Processing at Air Ports of Entry* January 31, 2011; C8P Memorandum, *Exceptions to Mandatory Secondary Referrals in the Air and Sea Environments* May 14, 2008; *Automated Passport Control Standard Operating Procedures*, May 2015.

#### 5. RESPONSIBILITIES.

5.1 The Assistant Commissioner, Office of Field Operations, is responsible for policy oversight, which includes the formulation and implementation of guidelines and procedures.

5.2 The Executive Director, Admissibility and Passenger Programs, is responsible for the formulation and implementation of the guidelines set forth by the Assistant Commissioner. In addition, the Executive Director, Admissibility and Passenger Programs, is responsible for conducting national reviews and ensuring compliance.

5.3 The Executive Director, Planning, Program Analysis and Evaluation, is responsible for creating and maintaining statistical measures of the Primary Inspection Process based on data elements captured from source systems. These reports are to be disseminated to all appropriate offices within Headquarters upon request.

5.4 Directors, Field Operations, are responsible for the implementation of this directive.

5.4.1 Directors, Field Operations, will be accountable for the compliance with this Directive by all CBP personnel under their command.

5.4.2 Directors, Field Operations, are responsible for managing the implementation of this directive and monitoring compliance with the procedures to ensure uniformity of application at all air ports of entry.

5.4.3 Directors, Field Operations, shall conduct periodic audits and assessments to ensure implementation and compliance with this Directive.

5.4.4 Directors, Field Operations, are responsible for notifying the Assistant Commissioner, Office of Field Operations, the Executive Director, Operations, and the Executive Director, Admissibility and Passenger Programs within two hours when there are complete computer failures at a port of entry within their area of responsibility.

5.4.5 Directors, Field Operations, are responsible for ensuring that local protocols and procedures are in place to notify airport and airline authorities when there is a system outage that will, or that is expected to, adversely affect CBP traveler processing capabilities and/or airline operations.

5.4.6 Directors, Field Operations, are responsible for ensuring that CBP Officers are trained to use (b)(7)(E) during an outage.

5.5 Port Directors are responsible for developing local procedures, approved by their Directors, Field Operations, to ensure that all persons and merchandise seeking entry to the United States are inspected and properly processed in accordance with the requirements herein established.

5.5.1 Port Directors are responsible for obtaining the approval of their Director, Field Operations for mitigation authorization from US-VISIT processing when US-VISIT is unavailable.

5.5.2 Port Directors are responsible for ensuring CBP Supervisors continually engage CBP officers on primary, clearly communicate inspectional requirements during their shift, and maintain records of musters.

5.5.3 Port Directors are responsible for ensuring that CBP Supervisors are always available to answer questions from the CBP officers and the traveling public.

5.5.4 Port Directors are responsible for collecting, maintaining, and disseminating intelligence bulletins on all fraudulent travel documents encountered during primary inspection.

5.5.5 Port Directors are responsible for ensuring that Supervisors and CBP officers are familiar and comply with the policies and procedures established in this Directive.

5.6 CBP Supervisors are responsible for ensuring CBP officers are familiar and comply with the policies and procedures established by this directive and that CBP officers conduct inspections as established in this Directive.

5.6.1 CBP Supervisors are responsible for ensuring CBP officers are familiar with current (b)(7)(E) that are necessary to conducting effective primary and secondary inspections.

5.6.2 CBP Supervisors are responsible for ensuring CBP officers are assigned to conduct pre- primary roving duties when operationally feasible.

5.6.3 CBP Supervisors are responsible for ensuring that CBP officers remain vigilant during system outages.

5.6.4 CBP Supervisors are responsible for observing primary and secondary inspections for thoroughness and effectiveness. In addition, CBP Supervisors should provide feedback to develop the officers' inspectional skills.

5.6.5 CBP Supervisors are responsible for ensuring CBP officers abide by this Directive while conducting primary inspections and that compliance with this Directive is reflected in the officer's annual performance rating.

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5.7 CBP officers are responsible for knowing, understanding and adhering to the contents and procedures of this Directive.

5.7.1 CBP officers are responsible for being in full uniform in compliance with the Uniform Wear Policy prior to conducting any inspections.

5.7.2 CBP officers are responsible for ensuring that their service weapon, handcuffs, intermediate use of force device(s), personal radiation detector, admission stamp, date stamp, and communication devices such as radios and/or booth telephones are operational prior to inspecting passengers.

5.7.3 CBP officers are responsible for verifying that all systems (b)(7)(E)TPAC, US-VISIT, passport readers, print pads and cameras) used to conduct primary processing are operational prior to inspecting passengers.

5.7.4 CBP officers are responsible for notifying the duty supervisor of any systems or equipment that are not functioning properly.

5.7.5 CBP officers are responsible for using experience, training, expertise and all available technology to intercept terrorists or those who pose a threat to the United States, criminal aliens, inadmissible travelers and any other individuals who are in violation of the law as they seek to enter the United States.

5.7.6 CBP officers are responsible for maintaining situational awareness and observing travelers before they arrive at the primary work stations.

5.7.7 CBP officers are responsible for maintaining vigilance and a law enforcement posture while performing primary inspections.

5.7.8 CBP officers are responsible for ensuring that travelers being processed at primary do not depart the Federal Inspection Service Area (FIS) without a lawful admission or appropriate referral to secondary inspection.

5.7.9 CBP officers are responsible for being ready to react to situations that occur within the Federal Inspection Service area, such as medical emergencies or travelers who are not complying with directions, to ensure the safety of CBP officers and the traveling public.

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5.7.11 CBP officers are responsible for conducting themselves in a professional manner and for treating people with dignity and respect.

5.7.12 CBP officers are responsible for communicating in a professional manner.

5.7.13 CBP officers are responsible for presenting and maintaining a professional appearance. CBP officers are not to use personal cell phones or other electronic devices. The uniform should comply with the OFO Uniform Wear Policy (i.e. neat, clean, and professional) for the inspectional booth and location. An inspecting primary CBP officer should position him or herself in the inspectional booth in a manner that portrays a law enforcement presence; ready to both conduct the inspection and react to any contingencies that may occur; and presenting a professional image of the United States. Any drinks (i.e. water bottle) should be inconspicuous and not in public view.

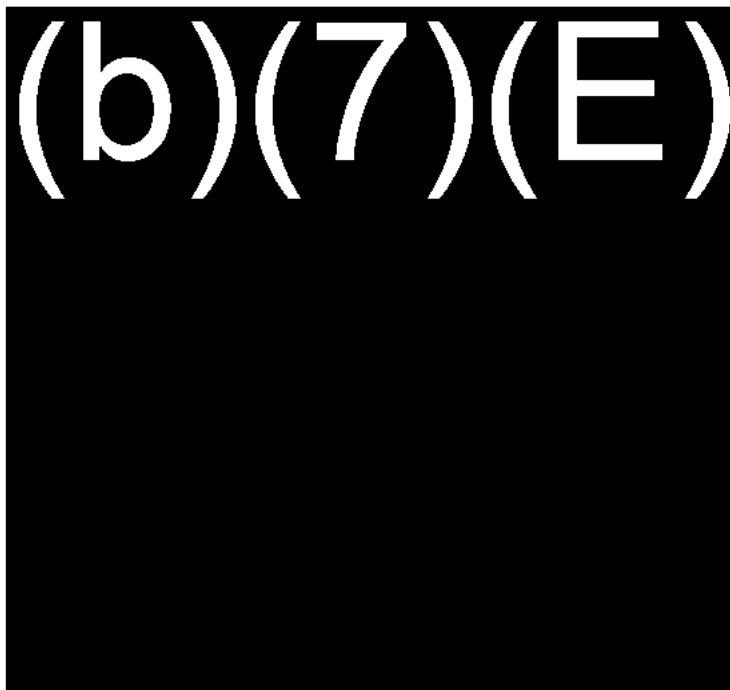
5.7.14 CBP officers are responsible for respecting their fellow officers, supervisors and the traveling public.

5.7.15 CBP officers are responsible for recognizing that factors such as cultural differences, age, language, and disabilities or other limitations may require adjusting the inspection accordingly, while still adhering to the requirements of the directive.

## 6. PRIMARY INTERVIEW.

### 6.1 Conducting Primary Interview

6.1.1 In preparation for primary inspection, CBP officers should setup the inspection booth, and ensure the following are present and functioning:



6.1.2 CBP officers will speak and greet each traveler in a professional manner as part of the inspectional process.

6.1.3 CBP officers will request and take physical custody of the travel documents from each traveler, unless he/she is using Global Entry. Officers will observe the traveler for signs of nervous behavior. If the officer observes that the traveler has presented incomplete documents or incorrect documents, the officer will politely ask the traveler for the correct documents. Officers should look for the passport, visas in the passport, and supporting documentation (i.e. I-20, I- 797, DS-2019, etc.)

6.1.4 CBP officers will verify the number of travelers in the party. While each traveler is inspected separately, family groups residing at the same address and completing a single CBP form 6059B or giving an oral declaration may be processed as a group. APC allows an individual traveler or family group to answer the 6059B questions electronically on a kiosk. The kiosk provides a receipt that is treated the same as form 6059B. The number in the group will be clearly annotated on the CBP Form 6059B or APC receipt in accordance with local port procedures.

6.1.5 CBP officers will make every attempt to interview the traveler(s) in a language the traveler(s) can understand. If the traveler (s) cannot speak English (including hearing impaired travelers) and the CBP officer does not speak the language spoken by the traveler(s), the CBP

Officer may request an interpreter (i.e. airline representative, visitor service representative) to assist with translating the inspection in accordance with port procedures.

6.1.6 CBP officers will physically examine a traveler's passport and related documents for signs of alterations or counterfeiting including using a loupe to verify the security features of the documents presented. Conduct a brief forensic examination of the passport, which includes feeling the passport (and visas), noting any unusual odors emanating from the passport, observing the binding/spine alignment of the passport, and discerning any irregularities with printing of the passport/visas and photographs in the documents.

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6.1.8 While examining traveler(s) and documents, the CBP officer will ask the appropriate questions to determine citizenship and admissibility such as the traveler's purpose of the trip/visit, length of stay, where the traveler(s) stayed or will be staying, means to depart the United States, means to support oneself during the visit to the United States, last time the traveler entered the United States, traveled foreign, whether the documents (passport and visa) are compatible with the purpose and intent of the travel, if the person has the correct visa and supporting documents for the intended class of admission. If there are inconsistencies that cannot be resolved on primary, the traveler(s) (b)(7)(E)

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6.1.9 CBP officers will request additional documentation if there are any discrepancies or questions about the true ownership or validity of the documents. (b)(7)(E)

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6.1.11 CBP officers should be vigilant for inconsistencies and be prepared to ask appropriate follow-up questions in a conversational and professional manner. (b)(7)(E)

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6.1.12 CBP officers who encounter seeming or apparent medical emergencies will

immediately notify the duty supervisor who will ensure that emergency medical responders are contacted immediately. In the case the duty supervisor is not immediately available, CBP officers shall contact the emergency medical responders directly.

6.1.13 During processing, if a traveler requires special consideration or handling due to religious, cultural, or privacy concerns, CBP officers and managers should reasonably accommodate the traveler's request.

## 6.2 PRIMARY INSPECTION.

6.2.1 CBP officers must verify that that a traveler presenting the passport/travel document is the true bearer of that document.

6.2.2 CBP officers will query all travelers in the appropriate primary computer systems, unless the traveler is using the Automated Passport Control or the Global Entry kiosk.

6.2.3 During system outages, CBP officers will adhere to national and local mitigation procedures outline in CBP Directive 3340-041 [Standard Operating Procedures during System Outages at Air, Sea and Land Ports of Entry].

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6.2.7 If the data from the travel document has been scanned into the computer system, the officer will review the screen to verify that the correct traveler's information is displayed (i.e. the documents being presented match the traveler being inspected) (b)(7)(E)

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6.2.8 Officers will ask all passengers that are not immediately found in TPAC, for their boarding pass. If the passenger does not have their boarding pass, the officer will ask for an alternate form of identification. If the boarding pass or alternate form of identification, and the travel document have the exact name information, then the officer should be able to

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locate the passenger in TPAC. Before manually adding a passenger the officer should search the passenger manifest by:

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6.2.10 Biometric data will be collected in accordance with the procedures listed in the CBP Directive 3340-044 [Customs and Border Protection's Guidelines during United States Visitor Immigrant status Indicator (US-VISIT) Biometric Enrollment for Air, Sea, Land Ports of Entry].

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6.2.13 CBP officers will ensure that aliens seeking entry to the United States will comply with the biometrics requirement unless exempt. Aliens who object to biometrics processing for religious, cultural, privacy, or other reasons must be referred for secondary inspection.

6.2.14 CBP officers must ensure that travelers applying for admission under the VWP have a valid ESTA travel authorization and the travel document presented meets all requirements for travel under the VWP. If VWP traveler, confirm ESTA. Confirm as admitted in APIS. Confirm as admitted in US VISIT/TPAC/US Arrival. Correct US VISIT/TPAC/US Arrival for class of admission (e.g. L-1, R-1) for the traveler(s). Correct US VISIT/TPAC/US Arrival to reflect the correct length of stay for the class of admission of the traveler(s).

6.2.15 Travelers seeking admission under the VWP without a valid ESTA authorization shall be referred for secondary inspection. A referral for a secondary inspection does not mean the traveler(s) are malafide; the referral means the inspection of the traveler(s) cannot be completed at the primary inspection booth.

6.2.16 CBP officers will issue electronic I-94s at air and sea ports of entry that use TPAC and Consolidated Secondary Inspection System (CSIS) to process passengers, except in limited circumstances as outlined in the national I-94 Automation Standard Operating Procedure (SOP) dated June 13, 2012. Please see the attached document in Appendix A.

6.2.17 Once the CBP officer determined that the traveler is admissible, the officer will input the class of admission and the corresponding period of the admission and confirm the traveler.

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6.2.19 If the traveler cannot be admitted on primary, then the traveler (b)(7)(E)

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6.2.20 CBP officers will obtain, from each traveler who is able to respond, a binding oral declaration of all items, including all agricultural products, which were purchased or acquired outside the United States as well as monetary instruments in excess of \$10,000. One member of a family group residing in a single household, traveling together and having the same residence may be permitted to respond on behalf of the family group.

6.2.21 CBP officers will obtain binding declaration to verify any farm, ranch or pasture visits, by the persons, outside of the United States.

6.2.22 CBP officers will question the traveler about his/her occupation, if deemed necessary.

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No extraneous or defamatory

remarks will be noted on the referral.

## 7. GLOBAL ENTRY.

7.1 When a traveler is referred to primary from a Global Entry kiosk, the referral information will be displayed in TPAC. The Global Entry kiosk will generate a receipt directing the member to proceed to the nearest staffed primary booth. TPAC allows the CBP officer to know that the traveler was referred from the kiosk even if the traveler does not present the Global Entry kiosk receipt. The CBP officer must check the member's Global

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Entry kiosk receipt and verify the referral code printed on the receipt. The member should be processed appropriately, addressing the issue which caused the referral.

7.2 CBP officers may clear Global Entry members at primary if the officer can quickly resolve the referral. If the member is cleared on primary, the Global Entry kiosk receipt is stamped on the back and returned to the member to present at exit. If the officer cannot quickly resolve the referral, the member should be referred to secondary.

7.3 CBP officers must refer subjects of agricultural interest to agriculture secondary in accordance with established agriculture training and port policies.

7.4 Global Entry members may receive front-of-the-line processing privileges at Global Entry air and land ports of entry.

## 8. AUTOMATED PASSPORT CONTROL (APC).

8.1 The primary duty of the CBP Officer assigned to the APC is to complete the primary inspection of travelers who utilize an APC kiosk. The APC Officer must inspect each APC user or user group. Every passenger that uses APC kiosks must still be seen by a CBP officer for an admissibility interview. The interview that is conducted is no different than an interview conducted on a non-APC passenger.

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8.4 All APC duties must be performed in accordance with the procedures listed in the Automated Passport Control Standard Operating Procedures (SOP). CBP Officers should refer to the Automated Passport Control Standard Operating Procedures (SOP) for detailed information regarding the operating procedures for APC.

## 9. SECONDARY REFERRALS FROM PRIMARY.

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9.1.2 CBP officers will enter reason(s) for secondary inspection into the CBP computer systems. Remarks should be clear and concise and should not contain defamatory language.

9.1.3 Referrals to all secondary inspections must be entered into the appropriate referral system.

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# 11. NO PRIVATE RIGHT CREATED / NONDISCLOSURE.

The procedures set forth in this directive are for U.S. Customs and Border Protection internal use only and create no private rights, benefits, or privileges for any private person or party. This directive does not create a private right of appeal, claim, complaint, or other cause of

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Todd C. Owen  
Assistant Commissioner  
Office of Field Operations